

Translation

PATENT COOPERATION TREATY

PCT

PCT/JP2003/009781



INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference H1854-01	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/JP2003/009781	International filing date (day/month/year) 01 August 2003 (01.08.2003)	Priority date (day/month/year) 02 August 2002 (02.08.2002)
International Patent Classification (IPC) or national classification and IPC G02B 5/30, G02F 1/1335, H05B 33/14		
Applicant NITTO DENKO CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.  <input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).  These annexes consist of a total of <u>1</u> sheets.
3. This report contains indications relating to the following items:  I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input checked="" type="checkbox"/> Certain observations on the international application

Date of submission of the demand 22 December 2003 (22.12.2003)	Date of completion of this report 10 May 2004 (10.05.2004)
Name and mailing address of the IPEA/JP  Facsimile No.	Authorized officer  Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/JP2003/009781

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

- ☐ the international application as originally filed
- ☒ the description:  
 pages 1-47, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☒ the claims:  
 pages 3-30, as originally filed  
 pages \_\_\_\_\_, as amended (together with any statement under Article 19  
 pages \_\_\_\_\_, filed with the demand  
 pages 1, filed with the letter of 26 April 2004 (26.04.2004)
- ☒ the drawings:  
 pages 1/6-6/6, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_
- ☐ the sequence listing part of the description:  
 pages \_\_\_\_\_, as originally filed  
 pages \_\_\_\_\_, filed with the demand  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☒ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☒ the claims, Nos. 2
- ☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims	22-24, 27-30	YES
	Claims	1, 3-21, 25, 26	NO
Inventive step (IS)	Claims		YES
	Claims	1, 3-30	NO
Industrial applicability (IA)	Claims		YES
	Claims	1, 3-30	NO

**2. Citations and explanations**

Document 1: JP 10-153709 A (Tokai Rubber Industries, Ltd.), 9 June 1998

The invention described in claims 1 and 3 to 18 lacks novelty and does not involve an inventive step in the light of document 1 cited in the international search report. Document 1 does not disclose the specific timing of contact between a polymer film and a guide roll, but the values stipulated in the present claims such as claim 3 are merely conventional values, and thus, it is highly probable that the invention disclosed in document 1 is the same as the invention described in claims 1 and 3 to 18.

Furthermore, details such as the shape of the roll or the draw ratio are merely features fittingly determined at the discretion of a person skilled in the art.

The inventions described in claims 19 to 30 lack novelty or do not involve an inventive step in the light of document 1 cited in the international search report. The inventions described in claims 19 to 30 pertain to products such as polarizing film per se, and thus, it is difficult to find any objective difference between the inventions described in claims 19 to 30 and polarizing

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films produced according to the method disclosed in  
document 1.

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claim 1 and related claims describe a feature wherein a polymer film is placed in contact with a first guide roll until swelling reaches a state of saturation, but there is no support of a technical nature in the description for a case wherein the polymer film is placed in contact with the guide roll during a time period when swelling occurs suddenly, even though such a case falls within the technical range stipulated in the claims.